



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,061	06/24/2003	John Sirowatka	71198-0063	1060

20915 7590 03/24/2005

MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,061

Applicant(s)

SIROWATKA, JOHN

Examiner

Nahid Amiri

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-35 and 37-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-69 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 37, 38, 52, 72 and 83 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 11-35 and 72-87 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>exhibi (see attachment)</u> |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 29 December 2004, amendments to the claims have been entered. Claims 9 and 36 canceled as requested. Claims 1-8, 10-35, 37-87 are pending. An examination of these claims follows.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **"nail plate"** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 28 and 32 objected to because of the following informalities: claims 28 and 32 have dependency from canceled claim 9. Claim 71, line 3, the phrase "the first connector member" should be rewritten as "the first truss member".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4, 6-7, 72 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear which element applicant is referring to as the "nail plate".

Claim 38, line 2 "**the connector member**", in lines 2, 3 and 5, and the phrase "**the outer vertical surface of the connector member**", **claim 52**, line 2 "**the connector member**", lines 2, 3 and 5, the phrase "**the outer vertical surface of the connector member**", **claim 72**, line 2 "**the connector member**", lines 2, 3 and 5, the phrase "**the outer vertical surface of the connector member**", and **claim 82**, line 2 "**the connector member**", lines 2, 3 and 5, the phrase "**the outer vertical surface of the connector member**" it is not clear if the connector member is the first or second connector member. Therefore, the examiner will examine the claims as best understood.

Claim 37 recites the limitation "**the connector member**" in lines 11-12, 13 and 14-15. **Claim 71** recites the limitation "**the connector member**" in lines 2, 3 and 5. **Claim 38** recites the limitation "**the connector member**" in lines 2, 3 and 5, and "**the inner vertical surface of the second connector member**" in lines 2-3. **Claim 52** recites the limitation "**the connector member**" in lines 2, 3 and 5, and "**the inner vertical surface of the second connector member**" in lines 2-3. **Claim 72** recites the limitation "**the connector member**" in lines 2, 3 and 5, and "**the inner vertical surface of the second connector member**" in lines 2-3. **Claim**

Art Unit: 3635

83 recites the limitation “**the connector member**” in lines 2, 3 and 5, and “**the inner vertical surface of the second connector member**” in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,094,059 Ganescu.

In regard to claims 1-3, 6, 8: Ganescu discloses the claimed invention Fig. 1, the a hinge plate 12 with first and second connectors 34,36, an intermediate member 22, the first and second connectors are planar members, the first, second, and intermediate member have a mounting portion, as well as a pivotally mounted hinge portion 18,20. The mounting portion on the first and second connector comprises a nail plate. The hinge portions are roll-formed (Figure 8).

Claims 10 and 70-71 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,423,898 Tracy et al.

In regard to claims 10, 70: Tracy discloses the claimed invention Fig. 2, a connector and truss assembly including a first and second truss, a connector block 14 having a first end and a second end opposite from the first end, a first and second connector members 28 extending from the first end and second end of connector block 14 which pivotally attached thereto at pivot point P (see attachment) wherein the first connector member 28 is fastened by fastener 22 to the first truss member and second connector member 28 is fastened by fastener 22 to second truss member, the first truss member inherently capable of folding reversely atop of the second truss

Art Unit: 3635

member in direction of array (see attachment) about the respective pivotal mountings on the connector block 14.

In regard to claim 71: Tracy discloses the claimed invention Fig. 3, the first trust member has an inner and outer vertical surface 31 and second connector member 28 has outer and inner vertical member, and wherein the inner vertical surface of the first trust member and outer vertical surface of the second connector member 28 come into abutment when the first truss member is moved to a fully unfolded position with respect to the second connector member 28.

Response to Arguments

Applicant's arguments filed 29 December 2004 in regard to claims 1-3, 6, 8 have been fully considered but they are not persuasive.

In regard to applicant's argument in regard to claim 1 that the mounting portion on the intermediate member having a nail plate. Examiner disagrees.

In regard to claim 1, applicant argues over a limitation of "nail plate" which is not part of claim 1, and in regard to "nail plate" of the claims 2-3, 6 as stated above under 35 USC § 112 it is not clear which element applicant referring to as a "nail plate".

The indicated allowability of claim 10 is withdrawn in view of the newly discovered reference(s) to US Patent No. 3,423,898 Tracy et al.

Allowable Subject Matter

Claims 4-5, 7, 11-35, 72-87 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also overcome the 35 USC § 112 rejection.

Claims 37-69 appear drawn to allowable subject matter but final determination will be made after all Rejections under 35 USC § 112 have been corrected.


Art Unit: 3635

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-6839. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

na
Nahid Amiri
Examiner
Art Unit 3635
March 15, 2005


Carl D. Friedman
Supervisory Patent Examiner
Group 3600

Jan. 28, 1969

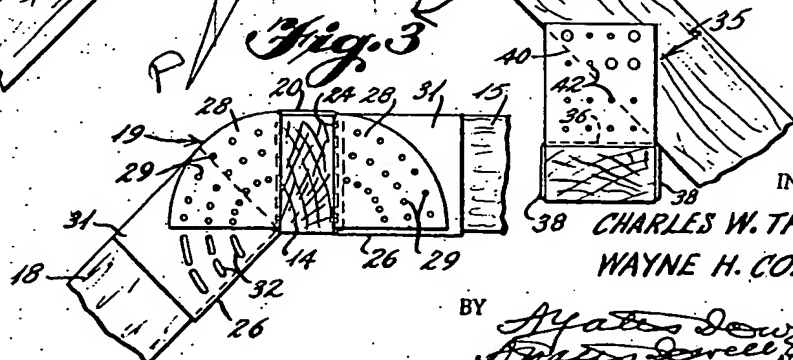
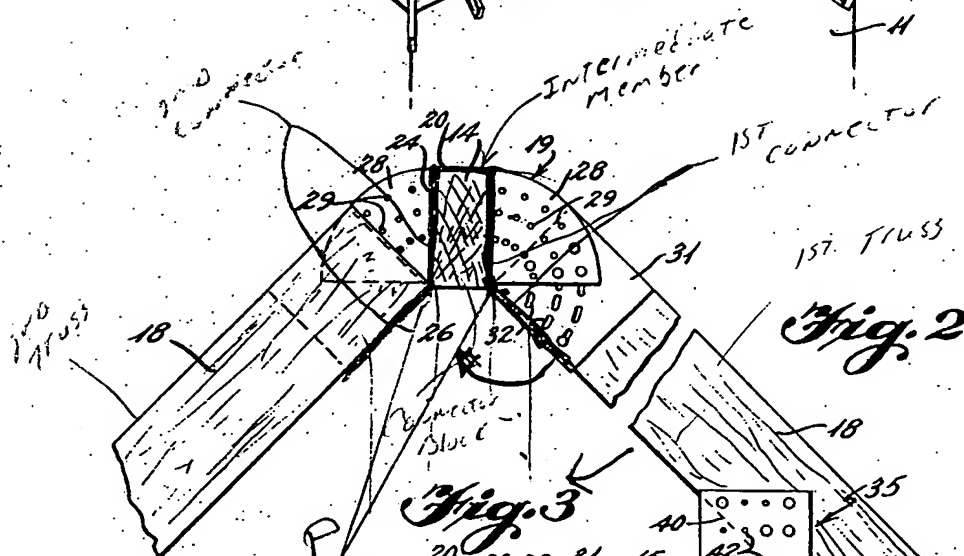
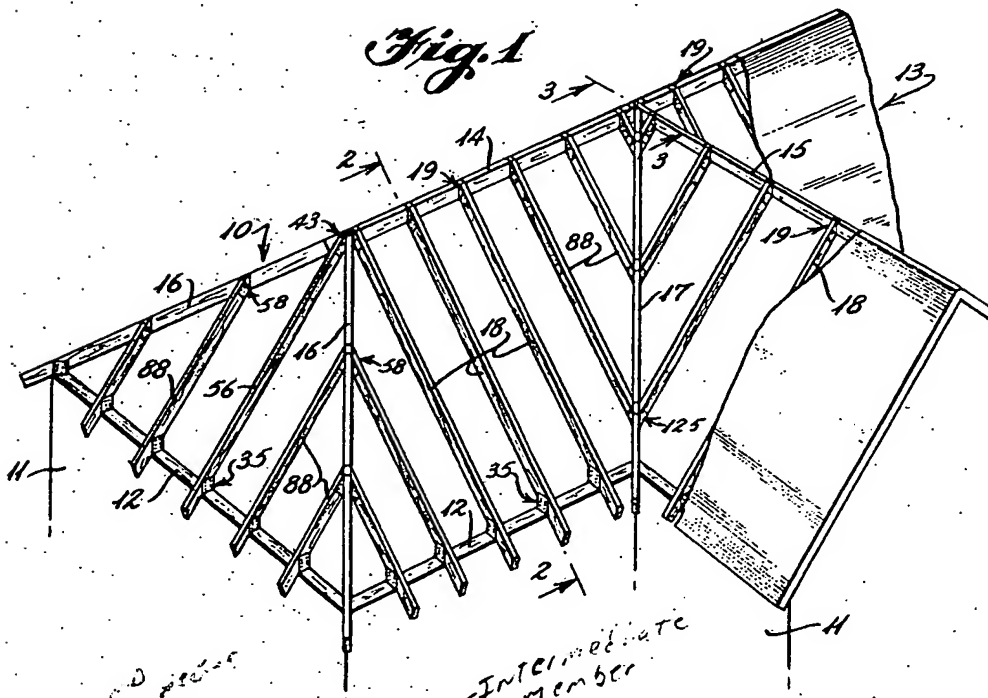
C. W. TRACY ET AL

3,423,898

ROOF FRAMING SYSTEM

Filed July 28, 1966

Sheet 1 of 3



INVENTORS

CHARLES W. TRACY and

WAYNE H. COLONEY

BY

BY *Agates Lowell &*
Agates Lowell Jr. ATTORNEYS